

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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Crl.Appeal No.S-2383 SB of 2013
Decided on : 16.02.2015

Surjit Ram

... Appellant.

Versus

Bawa Singh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE KULDIP SINGH

Present : Ms. Sunita Nambiar, Advocate for
Mr.Sunil Agnihotri, Advocate
for the appellant.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

Surjit Ram has filed this appeal against the judgment of acquittal dated 01.03.2013 passed by learned Special Judge, Hoshiarpur.

On the last date, it was specifically recorded that no further adjournment shall be granted.

Briefly stated that nine persons were challaned by the police in case FIR No.20, dated 10.05.2010, under Sections 467, 468, 471, 120-B, IPC and Section 13(1) (d) read with Section 13 (2) of the Prevention of Corruption Act. One of the persons died and eight have faced the trial.

The allegation against them is that Davinder Singh in connivance with the revenue officials prepared forged record of agricultural land measuring 38 kanals 06 marlas. They also forged

death certificate of Raghbir Singh and fraudulently showed certain persons as his legal heirs. It is stated that Joginder Singh Patwari and Malkiat Singh, Kanungo are also involved in the conspiracy and a sale deed was executed in favour of Davinder Singh for Rs.22 lacs and mutation was also got sanctioned. The case was registered on the basis of secret information.

After recording evidence, the learned trial court noticed that there is a judgment Ex.D-3 on the file passed by learned Addl.Civil judge (Sr.Divn.), Dasuya in civil suit titled as Hari Ram etc. Vs. Devinder Singh etc. The said suit was filed by Hari Ram for declaration to the effect that sale deed dated 17.11.2003 alleged to have been executed by Santokh Singh son of Bahadur Singh, Baldev Singh son of Raghbir Singh and Balbir Kaur daughter of Raghbir Singh, in favour of defendant No.1 is forged. A specific issue in this regard was framed and the same was decided in favour of respondent No.1. Civil Court held that sale deed was validly executed. A perusal of the order of trial Court further shows that Surjit Ram was one of the witnesses. He was not complainant in this case. The perusal of the finding recorded by the learned Judge, Special Court, Hoshiarpur shows that the said court has well discussed the evidence and taken one of the two possible views. Therefore, judgment in question cannot be said to be illegal, perverse or contrary to law.

In the circumstances, the present appeal, which is filed by one of the witnesses, stands dismissed.

[Kuldip Singh]
Judge

16.02.2015

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